

## CONSTRUCTION

### Appropriation Language

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, [\$301,291,000,]\$229,269,000, to remain available until expended[, of which \$17,000,000 for modified water deliveries to Everglades National Park shall be derived by transfer from unobligated balances in the "Land Acquisition and State Assistance" account for Everglades National Park land acquisitions, and of which \$400,000 for the Mark Twain Boyhood Home National Historic Landmark shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a]: *Provided*, That none of the funds available to the National Park Service may be used to plan, design, or construct any partnership project with a total value in excess of \$5,000,000, without advance [approval]*notification* of the House and Senate Committees on Appropriations: *Provided further*, That notwithstanding any other provision of law, the National Park Service may not accept donations or services associated with the planning, design, or construction of such new facilities without advance [approval]*notification* of the House and Senate Committees on Appropriations: *Provided further*, That funds provided under this heading for implementation of modified water deliveries to Everglades National Park shall be expended consistent with the requirements of the fifth proviso under this heading in Public Law 108-108[: *Provided further*, That funds provided under this heading for implementation of modified water deliveries to Everglades National Park shall be available for obligation only if matching funds are appropriated to the Army Corps of Engineers for the same purpose: *Provided further*, That none of the funds provided under this heading for implementation of modified water deliveries to Everglades National Park shall be available for obligation if any of the funds appropriated to the Army Corps of Engineers for the purpose of implementing modified water deliveries, including finalizing detailed engineering and design documents for a bridge or series of bridges for the Tamiami Trail component of the project, becomes unavailable for obligation: *Provided further*, That hereinafter notwithstanding any other provision of law, procurements for the Mount Rainier National Park Jackson Visitor Center replacement and the rehabilitation of Paradise Inn and Annex may be issued which include the full scope of the facility: *Provided further*, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232.18: *Provided further*, That none of the funds provided in this or any other Act may be used for planning, design, or construction of any underground security screening or visitor contact facility at the Washington Monument until such facility has been approved in writing by the House and Senate Committees on Appropriations]. (Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006.)

[For an additional amount for "Construction" for response, cleanup, recovery, repair and reconstruction expenses related to hurricanes in the Gulf of Mexico in calendar year 2005, \$19,000,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.] (Emergency Supplemental Appropriations Act to Address Hurricanes in the Gulf of Mexico and Pandemic Influenza, 2006.)

### Justification of Major Proposed Language Changes

1. Deletion: "of which \$17,000,000 for modified water deliveries to Everglades National Park shall be derived by transfer from unobligated balances in the "Land Acquisition and State Assistance" account for Everglades National Park land acquisitions"

Specific Items from FY 2006 will no longer be applicable.

2. Deletion: "and of which \$400,000 for the Mark Twain Boyhood Home National Historic Landmark shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a"

This project is not included in the FY 2007 request; therefore, the language is no longer necessary.

3. Replacement: "approval" with "notification"

Notification, rather than approval, of the House and Senate Committees on Appropriations should be sufficient without compromising the effect of the restrictions.

4. Deletion: "*Provided further*, That funds provided under this heading for implementation of modified water deliveries to Everglades National Park shall be available for obligation only if matching funds are appropriated to the Army Corps of Engineers for the same purpose: *Provided further*, That none of the funds provided under this heading for implementation of modified water deliveries to Everglades National Park shall be available for obligation if any of the funds appropriated to the Army Corps of Engineers for the purpose of implementing modified water deliveries, including finalizing detailed engineering and design documents for a bridge or series of bridges for the Tamiami Trail component of the project, becomes unavailable for obligation"

This is unnecessary because commitments from the Army Corps of Engineers are being met.

5. Deletion: "*Provided further*, That hereinafter notwithstanding any other provision of law, procurements for the Mount Rainier National Park Jackson Visitor Center replacement and the rehabilitation of Paradise Inn and Annex may be issued which include the full scope of the facility: *Provided further*, That the solicitation and contract shall contain the clause ``availability of funds" found at 48 CFR 52.232.18"

This provision is permanent and still in effect.

6. Deletion: "*Provided further*, That none of the funds provided in this or any other Act may be used for planning, design, or construction of any underground security screening or visitor contact facility at the Washington Monument until such facility has been approved in writing by the House and Senate Committees on Appropriations."

This language is no longer applicable because the previously funded renovations are finished. No further work is proposed.

7. Deletion: "For an additional amount for ``Construction" for response, cleanup, recovery, repair and reconstruction expenses related to hurricanes in the Gulf of Mexico in calendar year 2005, \$19,000,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006."

Specific items from FY 2006 will no longer be applicable.

## Appropriation Language Citations

**16 U.S.C. 1-1c** creates the National Park Service to promote and regulate the use of national park areas for their conservation and enjoyment and provides authority for administering areas within the National Park System, thus implying authority for construction, construction planning, and equipment replacement for these purposes. Specific authority is provided in 16 U.S.C. 1a-5 and 1a-7 for general management plans for national park areas and for studies of areas which may have potential for inclusion in the National Park System. (Also, Congress has enacted limited authorizations for appropriations for specific construction projects.)

**16 U.S.C. 7a-7e** provides specific authority for the Secretary of the Interior to plan, acquire, establish, construct, enlarge, improve, maintain, equip, regulate, and protect airports in, or in close proximity to national parks, monuments, and recreation areas when such airport is included in the current national airport plan of the Secretary of Transportation.

**16 U.S.C. 461-467** provides specific authority for the Secretary of the Interior to acquire property and to restore, reconstruct, rehabilitate, preserve, and maintain historic and prehistoric sites, buildings, objects, and properties of national historical or archeological significance.

**Public Law 108-447** reduces amounts in FY 2005 Department of Interior appropriations by .594%; further reduces most FY 2005 appropriations Governmentwide by .8%.

**Public Law 109-54** reduces amounts in FY 2006 Department of Interior appropriations by .476%.

**Public Law 109-148** reduces amounts in FY 2006 appropriations Governmentwide by 1.0%.

1. including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989,

**16 U.S.C. 410r-8, Section 104, the Everglades National Park Protection and Expansion Act of 1989 (Public Law 101-229).** Section 104 authorizes certain modifications at Everglades National Park.

**16 U.S.C. 410r-6(f), Section 102(f), the Everglades National Park Protection and Expansion Act of 1989.** Section 102(f) authorizes appropriations for this purpose.

2. \$229,269,000, to remain available until expended

#### **No specific authority**

This appropriation involves development programs which require more than a one-year cycle from their beginning stages through the actual construction of facilities. This applies to both preauthorization planning for areas that have been proposed as additions to the National Park System, and post-authorization planning for existing areas and those newly added to the National Park System. Both of these are preceded by reconnaissance studies that vary in style and duration and can be relatively simple or extremely complex. It is in the latter situation where more than a year may be required for completion of a program.